

STRIKES AND GOVERNMENT

BY

HON. ATLEE POMERENE


United States Senator from Ohio,
Washington, D. C.

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An address delivered at the Thirteenth Annual Meeting of the
ASSOCIATION OF LIFE INSURANCE PRESIDENTS

At New York, December 5, 1919



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AN ADDRESS DELIVERED AT THE THIRTEENTH ANNUAL MEETING OF
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NEW YORK CITY, ON DECEMBER 5, 1919

I assume these statements to be self-evident:

It is the business of government to govern, else it ceases to be government.

Every man has the right to "life, liberty and the pursuit of happiness."

Government must not interfere with man in these pursuits so long as he does not interfere with the same right when exercised by his neighbor.

Government must interfere when any man or class attempts to deny to others the exercise of the right which he claims for himself, otherwise there is "confusion worse confounded."

In the United States, under the Government which has been handed down to us by our Fathers, the right of revolution does not exist. Life and property are and must be safe and secure against any infringement whatsoever, save and except under the orderly processes of law.

This does not mean that our citizens do not have the right to change the fundamental principles of their Government or the Government itself, because under our Constitution, both National and State, the right to change the Constitution—or in other words the Government—is secured to the citizens in the form and manner therein prescribed.

By this statement I do not mean to be understood as denying to the oppressed the right to better their conditions, but I do mean to say that under the Government of the United States there is no excuse for oppression, and no excuse for tyranny. We recognize only one autocrat and it is the Supreme Majesty of the Law. To

it every man must bend the knee, whether he be employer or employee, prince or pauper, giant or pigmy.

The seat of the Government of the United States is and always will be at Washington under the dome of the capitol. It never will be transferred to a place under the hat of any would-be autocrat whether he be a leader of capital, or labor, or of any other class.

Years ago the American spirit was startled because a Vanderbilt had said, "The public be damned." But Vanderbilt seems to have had no patent upon the phrase, or if he had, it is being infringed today by men who have as little regard for the public welfare as he himself had. There is no difference in kind between him and a Foster, who, aided by the extreme Socialists and I. W. W. classes of the country, aims to enlist under his leadership the iron and steel workers of a nation and to paralyze industry; or a Lewis, who, to further his own ambitions, aided as he has been by the same elements, calls four hundred thousand men out of the mines and says to the public, "Freeze and starve."

I do not wish to be misunderstood. I recognize that Labor has not always received its portion of the product of its hand. I would resolve all doubts in its favor. I would deal with it not only justly but liberally at all times. If the American people have one characteristic that shines out brilliantly over and above all others, it is its innate sense of justice and liberality.

I recognize that there are many instances in which the public has not been put in possession of the facts, or it does not see clearly through the maze of uncertainty that surrounds them, but when the light of publicity is turned on any controversy which relates to the welfare of either the individual or a class, injustice and wrong will wither away before the light of public opinion; and if at any time it does not thus disappear it is because it has become so strongly intrenched that it has become a menace, not only to the public but to the Government itself. And when Government itself is challenged it must accept the issue or it ceases to carry out the purpose for which all Government is designed.

Government—that agency of our people, designed by all of the people for the protection of all of the people! We almost live and move and have our being because of it. We often do not appreciate it until its protecting arm is withdrawn. It is like the air about us. We live in it. We breathe it. We are not conscious of its presence until it is taken away.

To borrow a phrase from Vice-President Marshall, "Man is God-

made, class is man-made." Man owes his freedom to God who made him. Class owes its dependence—its bondage, if you please, to the man who made it.

In the tempestuous voyage over the sea of industrial trouble, two facts shine out, through the mists of fog and uncertainty which envelop us, like beacon lights to guide us :

FIRST: Europe shall not Europeanize or Bolshevize America.

SECOND: America will Americanize every foreigner who stays in our midst; otherwise he cannot stay.

Now let us make some practical applications of these observations :

THE POLICE STRIKE IN BOSTON

Shall the police force of a great city, clothed with the badge of authority, by a Sovereign State, under the leadership of walking delegates, knowing that they are the physical embodiment of the law itself and the only protection which a defenceless people have against the assaults of the criminally bent, be allowed for any cause whatever to enter into a conspiracy whereby in violation of the duties they owe to their city and their state, and in utter disregard of public safety, cease to function and leave the city at the mercy of the outlaw?

Must a Sovereign State let its hands be tied and submit to this indignity while some third party living without the State says, in substance, to the Governor and its people, "Restore these officers to their places and I will try to settle the differences between you and them"? Thank God, the people of the Sovereign State of Massachusetts said, "No!" and the law-abiding people of forty-seven other states joined in the chorus.

But it is said these men were not receiving sufficient compensation. If they were not, then those who were in authority ought to have increased it. We know, as a matter of long experience, that public tribunals are often slow to function, under the limitations of their authority, but slow though they may have been in this instance, it did not furnish an excuse for a thousand or more policemen to strike and lay down their maces. There is one duty to self. There is a higher duty every man owes to the public. And every policeman in Boston who entered into the conspiracy to quit, and leave the people of the city unprotected, deserved to be court-martialed, and drummed out of the city.

STRIKES IN PRIVATE INDUSTRY

I recognize the fact that when we come to consider the strike as

related to private industry many very different elements enter the discussion which must be considered.

I do not wish to be understood as denying to the employee in the private industrial world, as contradistinguished from transportation in interstate commerce, the right to strike under proper conditions.

I do not wish to have it understood that I defend the course taken by the United States Steel Corporation officials in their relations with the representatives of the American Federation of Labor. The public generally understands the two diametrically opposite viewpoints of the Steel Corporation and the American Federation of Labor, so far as they relate to the recognition of outside representatives of Labor in the controversies between the Corporation and their employees.

But it has seemed to me as I study this subject that it was very unwise from every viewpoint for the Corporation to refuse to answer the letter of Mr. Gompers asking for an audience for the purpose of discussing matters relating to the welfare of hundreds of thousands of employees. Common courtesy, it seems to me, required an answer.

I think it may be fairly said in a word that Judge Gary's reason for not answering the letter and granting the audience was his belief that a conference with the leaders of the American Federation of Labor would have been a recognition of the closed shop method of employment; and the real reason which prompted Mr. Gompers in asking for an interview was to get the Corporation to recognize the right of the American Federation of Labor to intervene in any controversy which had arisen or might hereafter arise between the Corporation and its employees. To meet in conference with labor leaders touching subjects of mutual interest between the company and its men could not have been a recognition of the closed shop.

It seems to me that Judge Gary—looking at it wholly from his own viewpoint—could very well have said: "Mr. Gompers is the titular head of the American Federation of Labor, an organization embracing probably four millions of men and women. He and I both have at heart the welfare of all laboring classes, whether they are in our employ or not, and I, as one American citizen, shall be glad to confer with him, or any other American citizen, upon any subject relating to their welfare, to the end that just wages may be paid, proper hours fixed, and laboring conditions improved where improvement is required." Looking at the subject wholly from the standpoint of the Corporation, it would have proven of immense

advantage to have gone at least that far. Certainly, in the eyes of the great public, which must always be taken into consideration in determining labor controversies, it would have presented a better appearance.

The Committee on Education and Labor in their recent investigation of conditions in the steel industry found the average wages in July, 1919, to be \$6.27 per day, the wages of unskilled labor for a ten-hour day, \$4.62 per day, which was the lowest paid wages.

On the other hand, Judge Gary testified that 34.8% of the Steel Corporation's men worked 8 hours, 39.40% worked 10 hours, 26.52% 12 hours. Certainly, these long hours ought not to be permitted.

In the opinion of the Committee, ". . . broadly speaking, the employees in the steel industry at the time of the strike were fairly well satisfied with the wages received and that such question was not persuasive at all in any consideration of a strike."

The Committee further found that the underlying cause of the strike was the determination of the American Federation of Labor to organize the steel workers in opposition to the known and long-established policy of the steel company against unionization.

I think it a fair deduction from a careful study of the report of the Committee that while some of the conditions under which the men worked should be improved, it was the demand from without the steel industry rather than from within that brought on the strike.

The organization of the steel mills was begun under a resolution adopted at the St. Paul Convention of the American Federation of Labor, in June, 1918. The campaign for membership was begun under John Fitzpatrick, President of the Chicago Federation of Labor, an extremist, and William Z. Foster, a syndicalist and an I. W. W. In May, 1919, they claimed a membership in the Pittsburgh and Calumet districts of 80,000 men. In June, 1919, Mr. Fitzpatrick reported that there were 100,000 men in the organization.

Messrs. Fitzpatrick and Foster thought the time was ripe for a strike, though the President of the United States had called for an industrial conference to consider industrial conditions and pleaded that the order for the strike be delayed until after this conference. Mr. Samuel Gompers, President of the American Federation of Labor, indorsed the President's plea for delay. John Fitzpatrick, William Z. Foster, and their associates, refused to comply with the request of Mr. Gompers, or with the pleadings of the President.

Mr. Gompers could not persuade the men to follow his judgment.

This fact in itself is a confession that the radicals had control of the American Federation of Labor.

It involved not only the U. S. Steel Corporation but the independent mills as well. The men who called the strike were in large part foreigners who were unnaturalized but they counted in carrying out the purposes which John Fitzpatrick and William Z. Foster had in mind; namely, to dominate and control the labor situation and make the entire industrial country subject to their dictation.

I do not want to be understood as being opposed to labor unions. I believe in them, but while I believe in unionism I do not intend thereby to approve everything which is done in the name of union labor. If I were a laboring man I would be a union man, but as I would claim to exercise my own judgment in joining and affiliating with the union, so I would accord the same privilege to every other man to join the union or not as he saw fit. That is the inherent right of every American citizen, and we cease to respond to the spirit of Americanism in so far as we attempt to deny this right to any other living man.

Whether the steel strike was justified in an effort to better the conditions of working men, I shall not further discuss, but of this I am convinced: That it ought to have been settled.

If we are to look at it solely from the standpoint of the laboring man, what has he gained or what will he gain by this strike which was arbitrarily called by the Committee having it in charge, in violation not only of the judgment and request of the titular head of the American Federation of Labor, but in violation of the pleadings of the President of the United States, who on his bed of sickness begged these men to defer the strike, in the interests of 110 millions of Americans, until after the meeting of the Industrial Conference which was soon to be held in Washington?

The steel strike began September 22nd. Government statisticians estimate that the daily average of men on strike during 70 days to be something like 100,000.

The average daily wage during 1918 was:

Republic Iron & Steel Company.....	\$5.17
United States Steel Corporation.....	5.33
Lackawanna Iron & Steel Co.....	5.45
Bethlehem Steel Company	5.68

Estimating the daily wage of the strikers at \$5.00 per day, and the average number of strikers for 70 days (the period of the strike

up until November 30th) at 100,000 men, the total loss to the strikers will amount to 35 million dollars.

That is not all. It means a loss to the nation of practically 7 million days' work in the steel industry since the strike began. Those 7 million days are lost and can never be converted into productive effort for humanity.

Certainly, the great Government of the United States, representing 110 millions of people, has the right to say that questions of wage and of working conditions shall be adjusted by some modern method, perhaps not yet devised, which will prevent these awful catastrophes.

When the men who are engaged in industrial life shall study these problems from the standpoint of citizenship, rather than from the narrow viewpoint of selfish ambitions and antagonisms, they will have a higher conception of life, improve the social fabric of the nation, and at the same time promote their own material welfare.

What method should be adopted for the adjustment of labor disputes in private industry? is the problem. If the representatives of employers and of employees become more tolerant of the views and the rights of each other, as well as of the great third party—the Public—many seeming difficulties will disappear.

Though I am convinced there have been very few strikes which have inured to the benefit of the workingman and very few lockouts which have benefited the employer, I at the same time feel that it would be unwise, if not impossible, to pass legislation penalizing strikes or lockouts in private industry; but the time is coming when public opinion will compel the adjustment of these difficulties without resorting to methods which are of little if any benefit to the respective parties, and always a positive detriment to the public.

There are partial remedies which, in my judgment, may be very helpful.

FIRST: Require compulsory investigations and reports by fair and impartial tribunals upon all disputes affecting wages or labor conditions before either a strike or a lockout is permitted.

SECOND: Provide for the Americanization of the foreigner who seeks the advantages of this country.

THIRD: Penalize the agitator or organizer who preaches revolution or Bolshevism in any form.

FOURTH: Vacate the naturalization of any man who violates the laws of good citizenship.

COAL STRIKE

No strike within a generation was more uncalled-for than the coal strike.

Late in September, when the people of the country were seeking to get their winter's coal supply and industry was taking practically all the coal that the mines produce, and the miners in the bituminous region were earning from five to twenty dollars per day, or more if they worked, their delegates in convention passed resolutions terminating the wage scales which had been approved by the Government, demanded a five-day week, a six-hour day, and a sixty per cent. increase in their wages, and at the same time authorized the International officials to call a general strike of all of the bituminous mine workers throughout the United States, to become effective November 1, 1919, unless these new demands were granted.

I want to acquit the miners of being responsible for these demands. They were the demands of radicals and of ambitious officers, many of whom, in my judgment, were little more concerned for the benefit of the miners than they were for the public.

For the month of October the Government statisticians estimate the labor cost of the coal mined at approximately 84 million dollars. For November the figure will be somewhere near \$28,500,000. This indicates that the mine workers as a class will receive \$55,500,000 less for services rendered during the month of November than during the month of October—all because they have been induced by their leaders to strike.

If we count twenty-five working days for November and estimate the number of striking miners to be in the same ratio to the total number of miners, 400,000, as the decrease in the wage cost of coal mined in November is to the total wage cost of the coal mined in October, then there have been lost to the miners and to the public approximately 6,500,000 days of work. Consider for a moment its effect upon the public welfare!

Every reasoning man wants the miner not only to have a fair wage, but a good wage and good working conditions.

Dr. Garfield after investigation says their wages should be increased fourteen per cent. But what principle of either public or private morals will permit the officers or the men, in pursuance of a common conspiracy, to stop the mining of bituminous coal, of which we must have 500 million tons a year?

Must transportation stop?

Must the wheels of industry cease to turn?

Must men, women and children freeze and starve while the leaders of the miners take advantage of the approaching winter season to strike and force increased and unreasonable demands?

Must 110 million Americans submit to all the distress and inconvenience consequent upon the failure of fuel supply, when the hills are full of coal?

Or shall they by orderly process and by the hands of the Government which they have devised, say to the 400,000 miners, "You shall not thus threaten the life of industry and the health of your fellow-men."

And then, gentlemen, just contemplate the situation: Because the Government sees fit to invoke the aid of the courts to enforce the law of the land certain men both in and out of Congress declare for the impeachment of the Judge who heard the case and entered the decree which compelled the officials of the miners' organization to withdraw the call for the strike. And all this is said before an appeal from the decision of the court is taken.

Must Government control this conflict, or shall this conflict control Government?

It is sufficient to say that 110 million free Americans are not living in Russia, and they will not be terrorized by the methods of a Trotsky, a Lenine, or a Lewis. If these would-be autocrats are not conscious of the intensity of the bitter feeling against their methods, let them go out along the highways and byways, or in the cities and towns, and inquire of the public, "What say you?"

The American people did not hesitate to raise an army of 4 millions of men, or to send 2 millions of them more than 3,000 miles across the seas to help destroy the Imperial Autocracy of Germany, and they will see to it in an orderly and legal way that the would-be autocrats of this country — whether they represent capital or whether they represent labor — shall not dominate or compel 110 millions of people to do their bidding.

INTERSTATE COMMERCE

It will be inferred from what I have heretofore said that I distinguish between strikes which occur in manufacturing, mining or other forms of private industry, and strikes which occur in interstate commerce and affect our railway or other transportation; and as I distinguish between these strikes, so I would differentiate the remedies to be adopted.

The reason lies in the inherent differences in the functions to be performed. In private industry any strike or lockout in mine or

factory, no matter how important it may be to the particular locality, its effect is more or less circumscribed. It may even constitute a substantial part of a given industry, and still it seldom happens that it could be regarded as nation-wide.

Again, it must be borne in mind that the Congress has plenary jurisdiction in dealing with interstate commerce, while its authority over intrastate or local industry is very limited. Let us consider the nation-wide aspect of our interstate commerce.

The value of the manufactured products according to the last census of manufactures taken in 1914 was \$24,246,434,724. Taking into consideration increased production and higher values, it is quite likely that the product of the current year is very materially greater than it was in 1914.

The value of the mineral products in 1918 was \$5,526,162,000. The value of farm products for 1918 was \$21,386,000,000. Our foreign trade for the calendar year 1918—imports and exports—amounted to \$9,180,300,255. During the current year it will amount to much more.

Nearly all these products enter in one form or another into interstate or foreign commerce or both. It affects intimately the livelihood and comfort of every man, woman, and child in the country. If a controversy should arise between the railroads—whether under government or private control—and the railway brotherhoods, over wages, or hours, or working conditions, or for any other reason, it is within the power of 2 million railroad men, or even of the membership of any one of the four Brotherhoods, at any time, to bring to a standstill the entire commerce of the country, foreign and domestic. There are about 85,000 locomotive engineers. They alone could stop all transportation.

Should this happen the food supplies of our fertile farms could not be moved to the markets. Fuel could not be hauled from the mine to the family fireside, the boiler or the furnace. The raw material could not be moved to the mills. The finished product could not be marketed. Industry would be paralyzed. In ten days' time, and less, the innocent men, women, and children, including the families of the strikers themselves, living in the centers of our great cities would be on the verge of starvation, while the food products in the rural sections of the country would be wasting and rotting.

And if I may say a word concerning the financial aspect of railway securities:

According to the reports of the Interstate Commerce Commission

on December 31, 1917, there were 627,930 stockholders, individual and institutional.

The railroads are capitalized at approximately 20 billions of dollars. Their valuation is estimated to be between 17 and 20 billions.

The National Association of Owners of Railroad Securities is my authority for the statement that there are probably some 7,500,000 institutional and individual holders of American railroad bonds. About 30% of these railroad bonds are owned by the life and fire insurance companies and mutual savings banks of the country to protect the funds of their policy-holders and depositors.

I am informed that 30 million people own 46 million life insurance policies now outstanding, and that one-fourth of the securities for the payment of these policies is invested in railroad securities. Of these securities \$649,000,000 worth are held by fire and marine insurance, casualty and surety companies. Another \$350,000,000 worth are owned by benevolent associations, charitable institutions, colleges and schools. Trust companies and state and national banks own \$685,000,000.

It must follow, therefore, that anything which seriously affects the operations of these railroads will have a corresponding effect upon all the financial and insurance institutions of the country, and every widow or orphan or other individual, who may be a holder or a beneficiary of these securities.

These apprehensions are not mere figments of the imagination. At different times nation-wide strikes have been threatened. Within a few days a strike was called by certain branches of the railway employees at St. Louis. Threats of nation-wide strikes have been made by leaders in the councils of the Brotherhoods. Even Congress has been told that there would be revolution if their demands were not granted!

Shall the Congress of the United States, whose duty it is to legislate for 110 millions of people, get down on their knees in the face of threats of this kind and say, "We are powerless to act"? We will *not* do it if we are men!

ATTITUDE OF SOME LABOR LEADERS

As indicating the attitude of some of the labor leaders bearing upon this subject, Mr. Glenn Plumb, in presenting his plan suggested certain wage boards and boards of adjustment which, he said (Friday, February 7, 1919), "would provide a means of settling wage questions and other disputes in such a manner that the occasion for strikes or lockouts would be effectually removed."

But, on February 12, 1919, in answer to a question by Senator Cummins, "And are you willing, if the Government operates the properties, that you, the men, shall be denied the privilege or right which you now exercise of striking?" Mr. Garretson of the Brotherhood of Railroad Conductors replied, "I am not. I believe that right should and of necessity must and absolutely will continue."

When Mr. Gompers was before the Senate Committee on Interstate Commerce, September 23, 1919, testifying concerning the anti-strike provisions of the Cummins Bill, he said (Hearings, Page 44), "The effect of this Bill were it enacted into law would not be to prevent strikes; it would simply create lawbreakers. I am free to say to you gentlemen, that if a Bill of this character were enacted into law, I should have no more hesitancy in participating in a just strike than I would now, regardless of what the consequences might be." He added at the time, in substance, that he would not hesitate to refuse to comply with the law if enacted, and he would not hesitate to advise his fellows to refuse to comply with the law. These latter statements were, however, stricken from the record on revision of the transcript of the testimony. In any event they do not appear in the printed testimony.

So, we have this warning: If the Congress shall attempt by legislation to protect the American people from a strike involving the entire interstate commerce of the country, it will be defied.

I cannot speak for others, but as for me, when men representing any interest, I care not what, come before the Congress of a sovereign people with suggestions that they will not comply with a law if it is passed, they overstep the bounds of propriety, and they weaken rather than strengthen their cause. All men have the right to petition or to remonstrate. No man has the right to threaten or intimidate.

We are told that if this law should be enacted the conservative element of the Brotherhoods would not be able to hold in check the radical element. And they refer to unauthorized or illegal strikes—that is, strikes not in conformity with the rules of the organization—as being evidence of their inability to control at all times. If they are not able to control their own men, shall the Government of the United States cower before the men they cannot control? Not if America knows herself, and America does know herself.

No labor leader will admit that he ever called a strike to enforce an unjust demand. He certainly cannot claim the right to make any demand, just or unjust, and insist upon its being granted. If

his claim is just he ought to believe that any impartial tribunal created by the Government will grant it. Public opinion will compel it.

The duty of good citizenship demands that if employer and employee cannot adjust their differences, they should be submitted to a proper tribunal for decision, rather than that an entire industry should be suspended while they continue to quarrel.

When the brotherhoods engaged in interstate commerce claim the inalienable and unconditional right to strike, they claim the right to starve and freeze the public unless their disputes are settled to their satisfaction.

THE CUMMINS BILL

Now, briefly, what are the labor provisions of the Cummins Bill relating to strikes:

In the first place, while considering these provisions, let it be borne in mind that under this Bill the employees and the public are to be given representation on the board of directors of the several railroad companies, so that they always will be informed as to all the operations of the railway company, whether of an economical or financial character.

In view of past experience and present industrial unrest, the Interstate Commerce Committee of the Senate believed that the Congress, representing the public, wanted to be just, not only to the railway employees but to the companies, their stockholders and bondholders as well; and above all they believed that they should not be unmindful of the great public whose servants the members of Congress are.

Being confirmed in this belief, they proposed a method of settling disputes and controversies which cannot be adjusted under any provision of present law, or by any other plan which the men and the companies may themselves devise; and if these disputes cannot be settled by any of these means, we create a Committee of Wages and Working Conditions, and three Regional Boards of Adjustment. The Interstate Committee recognizes the right of the railroad companies and their employees to settle their dispute by present known methods of conciliation, mediation, or arbitration, or by any other method they can agree upon. It is only when all these means fail that the machinery of the Cummins Bill is to be set in motion.

The Committee of Wages and Working Conditions is composed of eight members—four to represent labor and four to represent the carriers. This Committee is selected by the Transportation

Board of five members appointed by the President. The employee members of the Committee are chosen by the Transportation Board from nominations made by the railway craftsmen. The four members representing the carriers are selected in like manner by this Board from nominations made by the carriers themselves. This Committee has jurisdiction over controversies respecting wages and working conditions and to hear appeals from regional boards where those boards are evenly divided and unable to reach a decision by a majority vote. It is likewise empowered to interpret its findings, and to make rules and regulations for its procedure, including the procedure on appeal cases from the Regional Boards of Adjustment, and is required to consider and decide all complaints respecting wages and working conditions as promptly as practicable. This committee on Wages and Working Conditions considers all complaints. Its decisions are subject to approval by the Transportation Board. If the Committee is evenly divided, the subject of the dispute shall be referred to the Board whose decision shall be final.

The Regional Boards of Adjustment, three in number, shall be empowered to hear and determine all complaints, grievances, matters and disputes, including questions of discipline and controversies arising in ordinary railway operations, other than controversies relating to wages and working conditions.

What plan could be fairer?

Which is of the more importance, the uninterrupted movement of commerce, or a commerce which is subject to paralysis at any time there is a quarrel between the railroad managers and the chiefs of the Brotherhoods?

It would be wrong to deny the right to strike or to lockout if a tribunal were not provided to which should be submitted the subject matter of dispute. We simply say to these men, "Settle your differences in any way you can, and we hope you can settle them; but if you are not able to agree then the welfare of the public requires you to submit your evidence to the different tribunals we have created for investigation and decision."

I submit that if the railway Brotherhoods are not willing to trust fair tribunals to decide their controversies, the people of the United States cannot in the interests of safety trust their commerce to men who will not trust them.

The Cummins Bill makes carriers and officers liable to a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both, if they knowingly refuse to obey the decision of the

Committee on Wages and Working Conditions, when approved by the Board, or of the Board in cases referred to it.

The Bill also provides that it shall be unlawful for two or more persons, whether they are officers, directors, managers, agents, attorneys or employees of any carrier, to enter into any combination or agreement with the intent substantially to hinder, restrain or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose substantially to hinder, restrain or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce; and the violation of this section is punishable by a fine not exceeding 500 dollars, or imprisonment not exceeding 6 months, or both.

It is expressly provided that nothing in the act shall deny to any individual the right to quit his employment for any reason. Likewise it penalizes anyone who with like intent aids, abets, counsels, commands, induces, or procures the commission or performance of any of the acts declared to be unlawful by the provisions which I have heretofore referred to.

The cause of good government, the welfare of the people, require these disputes to be settled or decided by a public tribunal without the interruption of the country's business; and I am satisfied if this system is tried out it will be approved by the railway men themselves.

This is not denying the principle of collective bargaining. I believe in collective bargaining. But I would add a corollary: Collective bargaining does not mean *collective dictation*—whether by capital or by labor. The public alone can dictate. No individual or class has a right to dictate to the public.

The Government at Washington lives, and it says to all elements of society, "You shall be free to work out your own salvation so long, and so long only, as you do not unduly interfere with the rights and privileges of your fellowmen."

There must be no supermen and no super-classes in America. All must be equal before the law. All must do unto others as they would be done by.

